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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,674	05/13/1999	PENINA KATZ	WMA-96-015AA	1540

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WORLDCOM, INC.
TECHNOLOGY LAW DEPARTMENT
1133 19TH STREET NW
WASHINGTON, DC 20036

EXAMINER

CHOI, KYLE JAEHUN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 08/02/2002

19

Please find below and/or attached an Office communication concerning this application or proceeding.

37 C.F.R. §1.105
Requirement for Information

1. Applicant and the assignee of this application are required under 37 C.F.R. §1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

2. The information is required to enter into the record the art suggested by the applicant as relevant to this examination in the Information Disclosure Statement ("IDS") submitted April 17, 2000. In particular, applicant submitted in the above-mentioned IDS a list of documents directed to a product referred to as "Automatic Check-in Monitor", "Automatic Time Monitor", and "ATM-2000". In the Office Action dated June 11, 2001 (paper no. 12), the examiner indicated that none of these references were considered because there were no valid dates associated with the documents.

Upon closer review of the submitted documents, however, the following facts have been discovered. Although the dates of the documents themselves are not readily apparent, the contents of the documents state the following that are material to the patentability of the claims of the present application:

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- a. In what appears to be an advertisement entitled "the ATM-2000TM: Automatic Time MonitorTM (Version 4.0)", the bottom of the ad states that Essential Micro Systems, Inc. is the "industry leader in telephone timekeeping since 1989." (emphasis added).
- b. Other advertisement by Essential Micro Systems, Inc. for ATM-2000 in a journal containing article "Essentials of Telephone Timekeeping" by John Colgan and David Rinaldi, the ad states that "[i]t all started with the Automatic Time MonitorTM in 1989, then came the ATM-1000TM in 1992." (emphasis added).
- c. In what appears to be a brochure for ATM-2000TM: The Automatic Time MonitorTM (Version 4), the last page of a 4-page document states that the "Automatic Time MonitorTM was first developed in 1989 creating the concept of automated telephone timekeeping."
- d. In what appears to be brochure for ATM-2000TM: The Automatic Time MonitorTM (Version 5), the last page of the 12-page document has "A brief history" section that states, in part, that the "Automatic Time MonitorTM, ATM as first developed in 1989 creating the concept of automated telephone timekeeping."

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e. It is apparent from these references that a product called "Automatic Time Monitor" was definitely developed by 1989, before the filing date of the parent application from which this instant application claims priority. Moreover, applicant submitted in the above-identified IDS a 3-page document entitled "AUTOMATIC TIME MONITOR" containing, in part, a "FORWARD" page describing the features of this Automatic Time Monitor by John Colgan Systems. The features described therein relates directly to the invention as currently claimed by the present application.

3. *Examiner requests the rest of the pages of the document entitled "AUTOMATIC TIME MONITOR" and/or the copyright page of the document.* More of interest is the fact that this reference was submitted with a hand-written statement indicating that the document is a "1988-1989 Manual". If the hand-written note is indeed true, then the rest of the manual will be crucial in determining whether the claimed invention of the present application is anticipated by the Automatic Time Monitor as described in the advertisements submitted by the applicant. Since the applicant provided this document, it is reasonable to assume that the applicant has some knowledge of the validity of the hand-written note indicating that the submitted portion of

the document is a 1988-1989 document. Moreover, it is also reasonable to assume that since the "Forward" section was submitted, the applicant has some knowledge of the rest of the alleged manual.

4. The fee and certification requirements of 37 C.F.R. §1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. §1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

Conclusion

5. This requirement is subject to the provisions of 37 C.F.R. §§1.134, 1.135, and 1.136 and has a shorted statutory period of **2 MONTHS**. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 C.F.R. §1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kyle J. Choi** whose telephone number is (703)306-5845. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tariq Hafiz** can be reached on (703)305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
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or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-5548 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park
5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.



KYLE J. CHOI
PRIMARY EXAMINER

Art Unit 3623
July 28, 2002



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